

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE JUDICIARY**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Judiciary was convened Tuesday, December 1, 2020 at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109: N/A

Board Member Present by Conference/Video Call: Kevin Kluge, Chair; Jason Hathcock; Jennifer Fish; Mark Smalley; Scott Mabery

Board Member Absent:

Also Present in Conference Room 109: Blanca Calles, Acting Local Board Secretary (video call); Alicia Bocardo, Recorder (video call)

Call to Order:

Approval of the Minutes:

November 3, 2020 – Public Meeting Minutes

MOTION: A motion to approve the public minutes of the November 3, 2020 meeting was made by Scott Mabery. The motion was seconded and passed; minutes stand approved. **CORP 2020-63**

Disability Application #20-04 – IME Decision

The Board received Application #20-04 for Ordinary Disability benefits from Dawn Martian on September 25, 2020.

The applicant is a Maricopa County Juvenile Detention Officer with 7.447 years of credited service with CORP.

The applicant identified the disabling conditions as: “Intrahepatic Cholangiocarcinoma”.

The applicant was notified via certified letter that the Board would consider the application at this meeting and of the applicant’s right to attend.

The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

The applicant provided medical reports of findings and treatment with the application. The application and medical reports were provided for the Board.

The criteria for Ordinary Disability benefits per A.R.S. §38.886.01 are:

“Ordinary disability” means a physical condition that the local board determines will prevent an employee from totally and permanently performing a reasonable range of duties within the employee's department or a mental condition that the local board determines will prevent an employee from totally and permanently engaging in any substantial gainful activity.

A copy of A.R.S. §38-886.01 governing Local Board consideration of applications for Ordinary Disability was included for reference purposes.

Dr. Vershalee Shukla performed an Independent Medical Examination of the applicant on October 23, 2020. A copy of Dr. Shukla's IME report was provided to the Board.

The Local Board will need to determine eligibility based on the Independent Medical Evaluation. Any motion to approve or disapprove the application should include a reference to the Independent Medical Evaluation upon which the determination is based. The Board can consider any medical evidence that the applicant may want to provide; however, the statutes are clear that a determination of disability shall be based on the IME. Material conflicts in medical evidence must be resolved by findings of the Board. Disability determinations by the State Comp Fund or other workers' compensation bodies are not binding on the Local Board.

Board member Jason Hathcock stated that he was in favor of approving the ordinary disability benefit based on: the timely manner the application was submitted, the IME report's determination that Ms. Martian has a terminal condition that prevents her from performing a reasonable range of duties in a CORP designated position with no predicted improvement, and because there were no attributing pre-existing condition that predated her membership into the plan.

Board member Jason Hathcock noted that though IME doctor also stated that the applicant also had a mental disability, the physical disability caused by Intrahepatic Cholangiocarcinoma is the basis for her terminal condition.

MOTION: A motion to (1) approve the application for Ordinary Disability Retirement benefits from Applicant #20-04, Dawn Martian, based on the findings of the Independent Medical Evaluation conducted by Dr. Vershalee Shukla for the Local Board, as set forth in the report dated October 24, 2020 and the Form C5-LB-O dated November 20, 2020; (2) approve an Ordinary Disability Benefit for Dawn Martian in about the amount of \$537.64 (3) Pursuant to A.R.S. §38-886.01.D review this matter again in six years, was made by Jason Hathcock. The motion was seconded and passed unanimously. CORP 2020-64

Update – Yearly CORP Membership Audit

Below are the remaining discrepancies identified by the 2020 membership audit

Cochise County

- 5 missing membership forms; members were entered by the county into the Public Safety demographics system
- 2 physical exams were received; 3 members did not submit physical exams and the expiration date has lapsed

Yavapai County

- One member refuses to submit a membership form; the county has entered the individual

- into the Public Safety demographics system
- The member has completed a physical exam

Staff has created CORP files for these members to include notes that the enrollment forms and/or physical exams were never received.

2021 CORP Election Schedule Approval

Board member Mark Smalley's term will expire on June 30, 2021. Pursuant to A.R.S. §38-893, the Board will conduct an election to fill that position effective July 1, 2021.

A proposed action plan to conduct the election is provided for the Board's review and discussion.

Board Chair, Kevin Kluge's term will also expire on June 30, 2021. Mr. Kluge's reappointment or a new appointment for that position will be made by May 31, 2021.

The Chair asked staff if all the election procedures will commence as tentatively scheduled. Staff replied that there was no indication that any deadlines would be delayed and that all the January items would be completed timely as noted.

MOTION: A motion to approve the election plan for the Board vacancy that will occur when member Mark Smalley's term ends on June 30, 2021 was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2020-65**

Approval of Normal Retirement Benefits:

There were three applications for Normal Retirement benefits submitted for the Board's approval pursuant to A.R.S. § 38-893 (D).

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts effective November 1, 2020 was made by Mark Smalley. The motion was seconded and passed unanimously. **CORP 2020-66**

Sean Anspach	\$4,391.21
Scott Kirby	\$2,387.67
Brett Whitney	\$4990.99; Reverse DROP Estimate \$24,973.77

Approval of Survivor Benefits:

An application for a survivor benefit is submitted for the Board's approval pursuant to A.R.S. §38-887.

Member: Terence Cash (Retired Member, deceased October 17, 2020)
Benefit Payable to Spouse Susan Beauchamp Cash beginning November 1, 2020: \$1,505.70

The Chair asked staff if all the documents had been collected from Ms. Cash. Staff replied that all documentation was provided including the initialed C12.

MOTION: A motion to approve the payment of a survivor benefit to the following applicant in about the following amount was made by Jennifer Fish. The motion was seconded and passed unanimously. **CORP 2020-67**

Member: Terence Cash (Retired Member, deceased October 17, 2020)

Benefit Payable to Spouse Susan Beauchamp Cash beginning November 1, 2020: \$1,505.70

Review of Request to Remain in A.S.R.S.

The Board received a request dated 10-8-2020, from Janel Sanders to remain in the Arizona State Retirement System (A.S.R.S.) pursuant to A.R.S. §38-891(F).

Ms. Sanders began employment as a Graham County On-Call Juvenile Transport Detention Officer on 11-15-2005. She became a full-time Juvenile Transport Detention Officer on October 26, 2020. Her request form indicates that she has approximately 14.5 years of credited service with the A.S.R.S.

Relevant statute:

38-891.F. The local board of the state department of corrections, the local board of the department of juvenile corrections, the local board of the judiciary or the local board of a county, city or town that operates detention facilities may specify a designated position within the department or facility as a non-designated position if the position is filled by an employee who has at least five years of credited service under the Arizona state retirement system and who makes a written request to the local board to specify the position as a non-designated position within ninety days after accepting the position. On the employee leaving the position, the position reverts to a designated position.

The Chair stated that the form published by PSPRS (request to stay in A.S.R.S.) revealed the statute inconsistencies. He instructed staff to communicate the statute error with PSPRS as the most recent form does not have the current revised statute listed in the discussion/meeting material.

MOTION: A motion to approve the request by Janel Sanders to remain in the Arizona State Retirement System, as it appears Ms. Sanders has met the requirement of a minimum of five years of service credited under the Arizona State Retirement System and that the position revert to a CORP position upon Ms. Sander's termination, was made by Mark Smalley. The motion was seconded and passed unanimously. **CORP 2020-68**

Physical examination reports have not been received for the members listed below. Certified letters were sent to the members regarding non-receipt of the CORP physical examinations within 60 days of receipt of the membership forms.

Name

Carlos Rodriguez

Date Letter Sent

September 24, 2020

A.R.S. § 38-884.B provides in part: "Any employee who fails or refuses to submit to the medical examination prescribed in this section is deemed to waive all rights to disability benefits under this article."

Note for the record that the physical examination report for Carlos Rodriguez, was not received within 60 days of receipt of his membership application and that a final letter requesting the examination was sent via certified mail.

The Chair noted for the record that the physical examination for Carlos Rodriguez was not received within 60 days of receipt of their membership applications and that final letter requesting the examinations were sent via certified mail.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Alvarado, Juan	Maricopa	11/08/2020
Ballard, Denise	Pima	08/10/2020
Chastain, Latisha	Maricopa	11/08/2020
Conolly, Steven	Maricopa	11/08/2020
Cross, Christopher	Maricopa	08/03/2020
Fink Salazar, Dakota	Pima	11/08/2020
Godoy, Gabriel	Maricopa	11/01/2020
Gomez, Francisco	Maricopa	07/05/2020
Gonzalez Banuelos, Erendida	Maricopa	11/15/2020
Isiordia, Claudia	Pima	10/18/2020
Mitchell, Tamika	Maricopa	11/08/2020
Ramage, Alan	Navajo	09/06/2020
Rodriguez, Carlos	Pima	07/20/2020
Rodriguez, Kyle	Pima	11/15/2020
Schoon, Britt	Pinal	10/25/2020
Weaver, Michelle	Pima	10/18/2020
Wilson, Samantha	Mohave	11/15/2020

Staff noted that the December membership includes Francisco Gomez who was previously listed with the incorrect benefit selection in the November membership.

MOTION: A motion to approve the 17 applicants listed on the agenda for this meeting for membership in CORP pursuant to A.R.S. §38-893.D and to note for the record that the physical examinations for Erendida Gonzalez Banuelos, Claudia Isiordia and Tamika Mitchell identified a physical or mental condition or injury that existed or occurred before their date of membership in the plan, was made by Jason Hathcock. The motion was seconded and passed unanimously. **CORP 2020-69**

Future Agenda Items:

Staff informed the board that January 5, 2021 agenda will contain over 18 retiree applications. Staff added that the next future agenda items will include ay upcoming election items.

Call to the Public:

No members of the public addressed the Board.

The meeting was adjourned at 10:36 a.m.

Transcribed December 1, 2020.

DRAFT